

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

ERNIE BYERS

SHANNON M. BYERS

Debtors

Case No. 10-11843-j7

MOTION TO LIFT AUTOMATIC STAY

Mid-Atlantic Finance, pursuant to 11 U.S.C. §362(d) hereby respectfully requests that the Court enter its Order granting Mid-Atlantic Finance relief from the automatic stay. As grounds for this Motion, Mid-Atlantic Finance states:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157(b)(2)(G) and 1334 and 11 U.S.C. §362.
2. The Petition in this case was filed under Chapter 7 of the Bankruptcy Code on April 14, 2010.
3. Mid-Atlantic Finance is a secured creditor of Debtors Ernie Byers and Shannon M. Byers.
4. On or about July 11, 2008, Debtors Ernie Byers and Shannon M. Byers executed a Purchase Money Security Agreement (“Agreement”) in the original principal amount of \$9,538.00, payable in monthly installments of \$193.41.
5. As security for payment of the obligation, Debtors Ernie Byers and Shannon M. Byers granted a security interest in a 2003 Nissan Wagon Pathfinder, JN8DR09X33W713374.
6. The lien is perfected as a purchase money security interest.
7. Mid-Atlantic Finance is the holder of the Agreement.

8. The Debtors are in default on the Agreement in that the payments due April 2, 2010 to present have not been paid.
9. Cause exists to lift the automatic bankruptcy stay in that the Debtors do not have equity in the 2003 Nissan Wagon Pathfinder.
10. Cause exists to lift the automatic bankruptcy stay in that Mid-Atlantic Finance's interest in the property is not adequately protected and the Debtors have not paid any adequate protection payments to Mid-Atlantic Finance.
11. Cause exists to lift the automatic stay in that the Debtors have already surrendered the vehicle in their bankruptcy petition.
12. Consent to relief has not received from Ernie Byers and Shannon M. Byers, appearing pro se. Yvette Gonzales, Chapter 7 Trustee has not given consent to the relief sought.

WHEREFORE, Mid-Atlantic Finance respectfully requests that the Court enter its Order modifying the automatic stay to allow Mid-Atlantic to exercise its remedies under the Agreement and other applicable law with respect to the collateral and for such other and further relief as the Court deems appropriate.

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